

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

SHERMAN COLEMAN, :
Plaintiff, :
v. : Case No. 2:07-166-KRG-KAP
MICHAEL HERBIK, M.D.; ROBERT :
TRETNIK, R.N.; and PRISON :
HEALTH SERVICES, :
Defendants :
:

MEMORANDUM ORDER

This matter was referred to Magistrate Judge Keith A. Pesto for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and subsections 3 and 4 of Local Rule 72.1 for Magistrate Judges.

On March 7, 2008, the Magistrate Judge filed a Report and Recommendation, docket no. 63, recommending that the motions for summary judgment filed by defendant Trentinik, docket no. 51, and by defendant Herbik, docket no. 54, be granted. This followed an earlier Report and Recommendation filed on September 7, 2007, docket no. 27, which recommended grant of the motion to dismiss filed by defendant Prison Health Services. docket no. 18. There were no objections to that recommendation.

The parties were notified that pursuant to 28 U.S.C. § 636(b)(1), they had ten days to serve and file written objections to the Report and Recommendation at docket no. 63. Plaintiff filed by permission a supplemental brief in opposition to defendants' motions, docket no. 64. Plaintiff also filed motions for additional time to file objections and for counsel, docket no. 65, docket no. 66, which were denied. See docket no. 68, docket no.

70. Plaintiff appealed from the denial of extension of time, docket no. 69, but nevertheless filed objections, docket no. 71, which are timely under the mailbox rule. The objections are meritless. I deny the appeal from the denial of the motion for extension of time as moot.

Upon de novo review of the record and the Reports and Recommendations, the following order is entered:

AND NOW, this 28th day of March, 2008, it is

ORDERED that defendant Prison Health Services' motion to dismiss, docket no. 18, defendant Trentinik's motion for summary judgment, docket no. 51 and defendant Herbik's motion for summary judgment, docket no. 54, are granted. The Reports and Recommendations are adopted as the opinion of the Court. The Clerk shall mark this matter closed.

BY THE COURT:



KIM R. GIBSON,
UNITED STATES DISTRICT JUDGE

Notice by ECF to counsel of record and by U.S. Mail to:

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